

**REMARKS – General**

Claims 1-86 are pending in the application.

*Summary of the Final Office Action (OA) of February 22, 2008:*

Claims 1-2, 4-9, 24, 28, 31-32, 34-38, 50, 55, 58, 61, 64, 66-73 and 81 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2006/0271993, App. No. 11/498,388 (published 11/30/2006) by Nakata et al. [hereinafter “Nakata”].

Claims 3, 33 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakata in view of U.S. Patent Application Publication No. 2002/0049679, App. No. 09/827,469 (published 04/25/2002) by Russell et al. [hereinafter “Russell”].

Claims 10-23, 25-27, 29-30, 39-49, 51-54, 56-57, 59-60, 62-63, 74-80, 82-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakata in view of U.S. Patent Application Publication No. 2005/0028207, App. No. 10/925,826 (published 02/03/2005) by Finseth et al. [hereinafter Finseth”].

*Claim Amendments:*

Independent claims 1, 31, 62, 64, and 81 have been amended. Support for the amendment is found in claim 35 as originally filed.

*Claim Rejections under 35 USC §102:*

As noted in Applicant’s response to the Office Action mailed January 11, 2007, system disclosed by Nakata is expressly tied to the Institute of Electrical and Electronics Engineers (IEEE) standard 1394. As set forth in this standard, which accompanied Applicants previous response, the standard applies to devices that locally interconnected on a single, wired bus, such as within the home. Exemplary devices used with the 1394 standard include a camcorder, printer, personal computer, or monitor.

Nakata's operation hinges upon this local, wired bus configuration. As emphasized in Nakata at paragraph [0012], "[a]ccording to IEEE 1394...devices are connected in a tree structure in which one device is handled as a root device and then grand child devices connected under the root device." As set forth in Nakata at paragraph [0037], "The AV system comprises an optical disk device 2, and monitor devices 3A and 3B which are connected through a bus BUS specified in IEEE 1394 to form a network." To be sure, the wired necessity of Nakata is stated time and time again, as shown below (with emphasis added).

At paragraph [0002]:

"The present invention relates to an information signal transmission system and a remote control device for the information signal transmission system and finds applications in a system of video-handling devices that are interconnected using IEEE (the Institute of Electrical and Electronics Engineers) 1394, High Performance Serial Interface Bus Standard (hereinafter simply referred to as IEEE1394)."

At paragraph [0012]:

"According to IEEE1394, buses are initialized when the devices are connected, and the devices are connected in a tree structure in which one device is handled as a root device with the child and then grand child devices connected under the root device. The addresses are automatically assigned to the connected devices. In this way IEEE1394 features a large flexibility in cable connection and setting involved in connection is automatically performed."

At paragraph [0013]:

"To get the right to use the bus, a device waits for the bus to be emptied and issues a request signal to its parent device."

At paragraph [0018]:

"In such an IEEE1394 interface, one bus is shared by a plurality of devices on a time-division multiplex basis, and the devices are connected in a ring configuration or a star configuration to form a network. The video-handling devices are also configured in the same way."

At paragraph [0040]:

“The network interface 9, constructed of input/output circuits for performing communication process as specified in IEEE1394, communicates with network interfaces of the devices connected to the bus BUS when the devices are put to an idle state with the optical disk device 2 connected to the bus BUS, and gets a device address for the optical disk device 2.

At paragraph [0041]:

“Each device address is constituted by a bus address for identifying each bus connected in a bridge and a node address on each bus. Double addressing for another device is precluded. In this network, buses are connected in a bridge, and a video signal and audio signal are exchanged between buses, and for this reason each bus needs identifying by the respective bus address.”

In the January 11 response, Applicant noted that Nakata is therefore related to the transfer of data internally on a single, closed system using an IEEE 1394 bus scheme. Applicant therefore respectfully traversed the §102 and §103 rejections to claims 1-86 on this ground.

In the most recent OA, the rejection is maintained, with the OA stating, “Nakata does disclose that the data source can come from a broadcast event (Para 5; Para 6, a tuner to receive a video signal is a broadcast event).” Despite this statement, Applicant still traverses the rejections based upon Nakata in that Nakata teaches a single communication system having a bus-system architecture. By contrast, Applicant’s claimed invention enables the transfer of monitoring from one communication system to another, even when those systems are different. For instance, monitoring can be transferred from a cable box, operating on a cable network, to a mobile device operating on a wireless network. Accordingly, Applicant has amended each of the independent claims to recite a communication system, “...wherein the communication system comprises a first system and a second system, wherein the first device operates within the first system and further wherein the second device operates within the second system.” Nakata has no disclosure of such a system. Nakata teaches only a single communication system consisting of devices hard-wired to a single IEEE 1394 bus.

Applicant notes that the OA of January 11, 2007 suggests that Nakata teaches such a multiple-communication system at FIG. 1, elements 3A and 3B. Applicant respectfully traverses this suggestion. Nakata expressly teaches at paragraph [0037], “The AV system comprises an optical disk device 2, and monitor devices 3A and 3B which are connected through a bus BUS specified in IEEE1394 to form a network.”

Claims 1, 31, 62, 64, and 81 each recite systems having multiple communication systems, where one device works with one communication system and another device works with another communication system. As Nakata fails to teach the transfer of monitoring from a first device to a second device in such a fashion, Applicant respectfully submits that independent claims 1, 31, 62, 64, and 81 are patentably distinct from Nakata. Applicant respectfully requests reconsideration of the rejection of these claims.

Claims 2, 409, 24, 28, 32, 34-38, 50, 55, 58, 61, and 66-73 are all dependent claims, depending from their respective independent claims 1, 31, 62, 64, and 81. Applicant respectfully requests reconsideration of the §102 rejection to these claims in light of the comments above.

*Claim Rejections under 35 USC §103:*

Per MPEP §2141, the guidelines for making a proper determination of obviousness have recently changed, and are guided by the decision by the Supreme Court in *KSR International Co. v. Tele-flex Inc.* (KSR), 550 U.S. \_\_\_, 82 (2007). MPEP §2141 states that the Court in KSR “...reaffirmed the familiar framework for determining obviousness as set forth in *Graham v. John Deere Co.*, 383 U.S. 1 (1966). The *Graham* analysis requires, in addition to a determination of the scope and contents of the prior art, a determination of the differences between the prior art and an applicant’s invention and the level of ordinary skill in the pertinent art. Where there are differences, an Office Action “...must explain why the difference(s) would have been obvious to one of ordinary skill in the art.” *Id.* Specifically, there must be a “...clear articulation of the reason(s) why the claimed invention would have been obvious.” *Id.*

In making the case for obviousness, the Examiner has the burden of establishing the case in a well-reasoned and articulate way. “To facilitate review, this analysis should

be made explicit.” *KSR* at 14, citing *In re Kahn*, 441 F. 3d 977, 988 (CA Fed. 2006) “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*

This burden exists because “a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.” *KSR* at 14. Where an invention is contended to be obvious based upon a combination of references, one should be able to identify particular reasons that would have prompted one of ordinary skill in the art to combine the prior art elements. *See KSR* at 14-15. The requirement prevents the use of “...the inventor’s disclosure as a blueprint for piecing together the prior art to defeat patentability – the essence of hindsight.” *Ecolchem, Inc. v. So. Cal. Edison Co.*, 227 F.3d 1361, 1371-72 (Fed Cir. 2000) (quoting *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999)).

As set forth in the OA of January 11, 2007, Nakata fails to teach transferring a monitoring license from a first client to a second client prior to the launching step. Additionally, Nakata does not disclose the limitations of independent claims 1, 31, and 64 as noted above.

Regarding claims 3, 33, and 65, the addition of Russell fails to remedy this deficiency. To the contrary, the combination of Russell and Nakata expressly teaches away from Applicant’s claimed invention by teaching a single, wired, bus-type communication system. Applicant notes, “A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention.” MPEP §2141.03, citing *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). “A prima facie case of obviousness may also be rebutted by showing that the art, in any material respect, teaches away from the claimed invention.” MPEP §2144.05, citing *In re Geisler*, 116 F.3d 1465, 1471 (Fed. Cir. 1997).

For these reasons, Applicant respectfully requests reconsideration of the rejection to claims 3, 33, and 65.

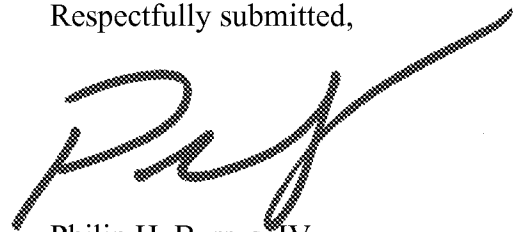
Regarding claims 10-23, 25-27, 29-30, 39-49, 51-54, 56-57, 59-60, independent claim 62, claims 63, 74-80, 82-86, Applicant respectfully submits that the addition of

Finseth to Nakata also fails to remedy the deficiencies set forth above. The combination of Finseth and Nakata teaches away from Applicant's invention as does the combination of Russell and Nakata. For these reasons, Applicant respectfully requests reconsideration of the rejections to these claims.

**CONCLUSION**

For the above reasons, Applicants believe the specification and claims are now in proper form, and that the claims all define patentably over the prior art. Applicants believe this application is now in condition for allowance, for which they respectfully submit.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. Burrus, IV', with a long, sweeping horizontal stroke extending to the right.

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